UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,415	08/05/2003	Ryan J. Highland	03-767	7943

39310   7590   09/04/2007
MBHB/TRADING TECHNOLOGIES
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO, IL 60606

EXAMINER
KANERVO, VIRPI H

ART UNIT	PAPER NUMBER
3609	

MAIL DATE	DELIVERY MODE
09/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>05 August 2003 and 10 November 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

KHOI H. TRAN
SUPERVISORY PATENT EXAMINER

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claims 2 and 18 are objected to under 37 CFR § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. These claims are improper because they can conceivably be infringed without infringing the claims they reference (claims 1 and 17 respectively). Here, for example, a CD-ROM having computer executable code that if and when executed would cause a computer to do the displaying, flagging, inputting, defining, monitoring, and detecting steps of claims 1 and 17. However, such a CD-ROM would **not** infringe the method steps of claims 1 and 17 since the CD-ROM itself never performs any of the active steps of displaying, flagging, inputting, defining, monitoring, and detecting required by the method steps. MPEP 608.01(n), § III. In other words, mere possession of such a CD-ROM would infringe claims 2 and 18, but this is not enough to infringe claims 1 and 17. As a result, claims 2 and 18 are improper dependent claims. Applicant is required to cancel the claims, or amend the claims to place the claims in proper dependent form, or rewrite the claims in independent form.

2.   Claim 10 is objected to because of the following informality: it recites claim

10 (itself) as the claim it depends from in line 1. Examiner is interpreting claim 10

to depend from claim 9 for the purpose of examination of the application.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the ¶ 2 of 35 U.S.C. § 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 7 and 9 are rejected under ¶ 2 of 35 U.S.C. §112 as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Claims 7 and 9 are rejected because they recite the limitation "the

annotation indicator." There is insufficient antecedent basis for this

limitation in the claims.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. § 103(a) which forms the basis

for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in § 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

6.   Claims 1-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable

over Ram (2003/0004853 A1) in view of Silverman (6,625,583 B1).

As to claim 1, Ram shows displaying a market information display region

comprising a plurality of locations arranged such that each location

corresponds to a price level of a first tradeable object (Ram: see Fig. 10,

label 102, where plurality of locations is the column of prices) being traded

on at least one electronic exchange (Ram: page 2, ¶ 27); flagging at least

one price level (Ram: see Fig. 3, label 200); recording an occurrence of an

event (Ram: page 2, ¶¶ 18 and 31, where transmitting and displaying the

information corresponds to the recording an occurrence of an event); and

displaying at least one location corresponding to the at least one flagged

price level (Ram: page 2, ¶ 17). Ram does not show inputting an

annotation or displaying an annotation in relation to at least one location.

Silverman shows inputting an annotation (Silverman: col. 2, lines 4-9) and displaying an annotation in relation to at least one location (Silverman: see Fig. 5A, label 507). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Ram by inputting an annotation and displaying an annotation in relation to at least one location of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

As to claim 2, Ram in view of Silverman shows computer readable medium having stored therein instructions to execute the method of claim 1 (Ram: page 1, ¶ 14).

As to claim 3, Ram in view of Silverman shows all the elements of claim 1, and that the event is associated with the first tradeable object (Ram: see Fig. 3, labels 200 and 305; page 2, ¶ 18).

As to claim 4, Ram in view of Silverman shows all the elements of claim 1, and that the plurality of locations corresponds to a plurality of prices along at least a portion of a static axis prices (Ram: see Fig. 10, label 102).

As to claim 5, Ram in view of Silverman shows all the elements of claim 1, and that the event comprises a market event (Ram: page 2, ¶¶ 25 and 27).

As to claim 6, Ram in view of Silverman shows all the elements of claim 1, and that the market event is associated with historical data (Ram: page 3, ¶ 56).

As to claim 7, Ram in view of Silverman shows all the elements of claim 1, and detecting an occurrence of the event associated with a second price level (Ram: page 2, ¶ 25); and dynamically updating a location to a second location associated with the second price level (Ram: page 2, ¶ 25). Ram does not show an annotation associated with a second price level. Silverman shows an annotation associated with a second price level (Silverman: see Fig. 5A, labels 501 and 507, where the annotation is associated with any one in sequence of the price levels). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Ram by associating an annotation with a second price level of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

As to claim 8, Ram in view of Silverman shows all the elements of claim 7, and detecting an occurrence of the event associated with a second price level (Ram: page 2, ¶ 25). Ram does not show displaying a second annotation in relation to a location corresponding to the second price level. Silverman shows displaying a second annotation in relation to a location

corresponding to the second price level (Silverman: see Fig. 5A, labels 501 and 507, where the annotation is associated with any one in sequence of the price levels). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Ram by displaying a second annotation in relation to a location corresponding to the second price level of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

As to claim 9, Ram in view of Silverman shows all the elements of claim 1. Ram does not show that the annotation indicator comprises a graphical indicator. Silverman shows that the annotation indicator comprises a graphical indicator (Silverman: Fig. 5A). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Ram by the annotation indicator comprising a graphical indicator of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

As to claim 10, Ram in view of Silverman shows all the elements of claim 9. Ram does not show that the graphical indicator further comprises a text message corresponding to the event. Silverman shows that the graphical indicator further comprises a text message corresponding to the event (Silverman: see Fig. 5A, label 507). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the

system of Ram by the graphical indicator further comprising a text message corresponding to the event of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

As to claim 11, Ram in view of Silverman shows all the elements of claim 1, and that flagging at least one price level comprises selecting the at least one location corresponding to the at least one price level (Ram: see Fig. 3, label 200).

As to claim 12, Ram in view of Silverman shows all the elements of claim 1, and that inputting a first annotation to record an occurrence of a predetermined event comprises: defining the event (Ram: page 11, ¶ 205, where any trading event is defined by the order placed by the trader); detecting the event (Ram: page 11, ¶ 207); and dynamically inputting the data to record an occurrence of the event at a price level associated with the first tradeable object (Ram: page 2, ¶¶ 17 and 25). While Ram does not explicitly address use of an annotation, this limitation is addressed with the rejection to claim 1 above and therefore the same rejection applies to this claim.

As to claim 13, Ram in view of Silverman shows all the elements of claim 12, and that the price level associated with the first tradeable object is

determined based on a user-configurable formula (Ram: page 2, ¶¶ 17 and 18).

As to claim 14, Ram in view of Silverman shows all the elements of claim 12, and activating an alert in response to detecting an event (Ram: page 3, ¶ 57).

As to claim 15, Ram in view of Silverman shows all the elements of claim 1, and defining an event associated with a second tradeable object (Ram: page 2, ¶ 25; page 11, ¶ 205, where any trading event is defined by the order placed by the trader); monitoring market data related to the second tradeable object (Ram: page 11, ¶ 207); detecting the event associated with the second tradeable object (Ram: page 11, ¶ 207); and displaying at least one location corresponding to at least one price level on the market information display region associated with the first tradeable object (Ram: page 2, ¶ 17). Ram does not show displaying an annotation created for the event associated with the second tradeable object. Silverman shows displaying an annotation created for the event associated with the tradeable object (Silverman: see Fig. 5A, label 507, where the annotation is associated with any one in sequence of the tradeable objects). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Ram by displaying an annotation

created for the event associated with the tradeable object of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

As to claim 16, Ram in view of Silverman shows all the elements of claim 15. Ram does not show that the at least one price level corresponding to the second annotation comprises at least one user configurable price level. Silverman shows that the at least one price level corresponding to the second annotation comprises at least one user configurable price level (Silverman: see Fig. 5A, where the annotation is associated with any one in sequence of the tradeable objects; col. 6, lines 40-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Ram by displaying an annotation in relation to the at least one price level corresponding to the second annotation comprising at least one user configurable price level of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

As to claim 17, Ram shows displaying a market information display region comprising a plurality of locations arranged such that each location corresponds to a price level of a first tradeable object (Ram: see Fig. 10, label 102) being traded on at least one electronic exchange (Ram: page 2, ¶ 27); defining an event associated with a second tradeable object (Ram: page 2, ¶ 25; page 11, ¶ 205, where any trading event is defined by the order placed by the trader); monitoring market data associated with the

second tradeable object (Ram: page 11, ¶ 207); detecting the event

associated with the second tradeable object (Ram: page 11, ¶ 207); and

displaying at least one location corresponding to the at least one price

level associated with the first tradeable object (Ram: page 2, ¶ 17). Ram

does not show displaying an annotation in relation to at least one location.

Silverman shows displaying an annotation in relation to at least one

location (Silverman: see Fig. 5A, label 507). It would have been obvious to

one of ordinary skill in the art at the time of the invention to have modified

the system of Ram by displaying an annotation in relation to at least one

location of Silverman in order to easily maintain a clear audit trail

(Silverman: col. 1, lines 55-56).

As to claim 18, Ram in view of Silverman shows computer readable

medium having stored therein instructions to execute the method of claim

17 (Ram: page 1, ¶ 14).

As to claim 19, Ram in view of Silverman shows all the elements of claim

17. Ram does not show that the annotation is displayed in relation to at

least one user configurable price level. Silverman shows that the

annotation is displayed in relation to at least one user configurable price

level (Silverman: see Fig. 5A; col. 6, lines 40-42). It would have been

obvious to one of ordinary skill in the art at the time of the invention to

have modified the system of Ram by displaying an annotation in relation to

at least one user configurable price level of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

As to claim 20, Ram in view of Silverman shows all the elements of claim 17, and that the plurality of locations corresponds to at least a portion of a static axis prices (Ram: see Fig. 10, label 102).

As to claim 21, Ram in view of Silverman shows all the elements of claim 17, and that the event comprises a market event (Ram: page 2, ¶¶ 25 and 27).

As to claim 22, Ram shows a trading application for displaying a trading screen interface comprising a market information display region with a plurality of locations arranged such that each location corresponds to a price level of a first tradeable object (Ram: see Fig. 10, label 102) being traded on at least one electronic exchange (Ram: page 2, ¶ 27). Ram does not show an annotation application for receiving an input to flag at least one price level, for receiving and linking an annotation to the at least one price level, and further for displaying the annotation in relation to at least one location associated with the at least one flagged price level. Silverman shows inputting an annotation application for receiving an input to flag at least one price level (Silverman: see Fig. 5A), for receiving and linking an annotation to the at least one price level (Silverman: see Fig.

5A), and further for displaying the annotation in relation to at least one location associated with the at least one flagged price level (Silverman: see Fig. 5A). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Ram by receiving an input to flag at least one price level, receiving and linking an annotation to the at least one price level, and further displaying the annotation in relation to at least one location associated with the at least one flagged price level of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

As to claim 23, Ram in view of Silverman shows all the elements of claim 22, and that the plurality of locations corresponds to a plurality of prices being along at least a portion of a static axis prices (Ram: see Fig. 10, label 102).

As to claim 24, Ram in view of Silverman shows all the elements of claim 22. Ram does not show that the annotation comprises a user generated annotation. Silverman shows that the annotation comprises a user generated annotation (Silverman: see Fig. 5A, label 507; col. 2, lines 4-9). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Ram by annotation comprising a user generated annotation of Silverman in order to easily maintain a clear audit trail (Silverman: col. 1, lines 55-56).

As to claim 25, Ram in view of Silverman shows all the elements of claim

22. Ram does not show that the annotation comprises a dynamic

annotation that is automatically generated upon detecting a predetermined

event associated with a second tradeable object. Silverman shows that

the annotation comprises a dynamic annotation that is automatically

generated upon detecting a predetermined event associated with a

second tradeable object (Silverman: see Fig. 4, label 422; see Fig. 8, label

804; col. 5, lines 58-60). It would have been obvious to one of ordinary

skill in the art at the time of the invention to have modified the system of

Ram by the annotation comprising a dynamic annotation that is

automatically generated upon detecting a predetermined event associated

with a second tradeable object of Silverman in order to easily maintain a

clear audit trail (Silverman: col. 1, lines 55-56).

As to claim 26, Ram in view of Silverman shows all the elements of claim

25. Ram does not show that the at least one price level to be flagged for

the dynamic annotation is user configurable. Silverman shows that the at

least one price level to be flagged for the dynamic annotation is user

configurable. (Silverman: see Fig. 5A; col. 1, lines 55-56). It would have

been obvious to one of ordinary skill in the art at the time of the invention

to have modified the system of Ram by making the at least one price level

to be flagged for the dynamic annotation user configurable of Silverman in order to easily maintain a clear audit trail (Silverman: col. 6, lines 34-42).

As to claim 27, Ram in view of Silverman shows all the elements of claim 22, and that the input to flag the at least one price level comprises a user input (Ram: see Fig. 3, label 200; page 14, ¶ 261).

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Belzberg (6,134,535) shows an improvement in computer automated stock exchange trading whereby programmed interface by which data on a group of shares may be read from a spreadsheet formulated into an order and launched automatically or in response to a signal from an operator.

Black (7,219,077 B1) shows a system and method for creating portfolio through predefined option that may be used to monitor a market.

Eisenthal (2003/0018569 A1) shows a method and system for communicating with a handheld trading interface.

Gupta (2005/0081159 A1) shows a user interface presented to the user to facilitate viewing and creating new annotations.

Kemp (6,772,132 B1) shows a display and trading method of the present invention that ensures fast and accurate execution of trades by displaying market depth on a vertical or horizontal plane.

Martyn (6,195,647 B1) shows a data processing system providing an interface with a securities exchange system over which securities are traded.

Odom (6,058,379) shows a method for networked exchange comprising eight steps.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virpi H. Kanervo whose telephone number is (571) 272-9818 on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

Virpi H. Kanervo

KHOI H. TRAN
SUPERVISORY PATENT EXAMINER